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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/781,800

02/20/2004

Hiroyuki Ochiai

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01/24/2007

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

RODRIGUEZ, RUTH C

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

01/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/781,800

Applicant(s)

OCHIAI ET AL.

Examiner

Ruth C. Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-3 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Maughan (US 6,164,861).

A cover comprises a cover body, a tubular grommet (24) and a projection (54). The cover body is hard and is formed as a plate shape (commonly used to support ball joints). The body comprises opposite surfaces and a socket (30) protruding partially from one of the opposite surfaces. The socket has an inner peripheral surface (32). The grommet is held in the socket (Figs. 1 and 2). The grommet is deformable elastically and is formed of a compressible material (C. 5, L. 14-20). The grommet comprises a fitting hole (38) and an outer peripheral surface (36). The fitting hole has an inner peripheral surface (Figs. 1-7). The projection projects from an installation member (connected through the threaded end) to which the cover is installed (Figs. 1 and 2). The projection comprises a head (52), a neck (56) having a diameter smaller than that of the head and an outer peripheral surface (Figs. 1-2). The projection is fitted into the fitting hole of the grommet whereby holding the cover body detachably to the installation member (Figs. 1

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and 2). A diameter of the head of the projection is smaller than a diameter of the socket at a portion (90) of the socket opposite that protruding from one of the opposite surfaces of the cover body (Figs. 1-7). The head of the projection may be introduced to the socket from a side of the socket opposite to the cover body (the inner peripheral surface has a pair of openings provided at two opposite ends of the inner peripheral surface and the projection can be introduced through the opening provided at the end identified with 90 and this end is also opposite the cover body that is located between pair of openings). The grommet further comprises a plurality of convexities (58,58') disposed on at least one of the outer peripheral surface and the inner peripheral surface of the fitting hole protruding towards tips thereof in radial directions of the grommet and contacting with at least one of the inner peripheral surface of the socket and the outer peripheral surface of the projection (Figs. 1, 2, 5 and 7). The convexities are formed as a substantially triangular cross-sectional shaped whose thickness reduces from large to small from the bases to the tips thereof (Figs. 5 and 7). The convexities are compressed in the radial direction of the grommet and elastically contact the socket or the projection when the convexities are pressed to an inner peripheral surface of the socket and an outer peripheral surface of the projection (Abstract and Figs. 1-7).

The grommet is held detachably in the socket and the convexities are disposed on the outer peripheral surface of the grommet (one can brake the assembly to detach the grommet).

The grommet is held in the socket in such a manner that the convexities contact with the inner peripheral surface of the socket elastically (Abstract and Figs. 1 and 2).

The fitting hole is formed as a tapered shaped whose inner peripheral surface has a diameter enlarging from small to large in the direction approaching the installation member (Figs. 1-7).

The projection has a superficial configuration comprising the head (Figs. 8 and 10). The neck continues from the head smoothly and the bottom has a larger diameter than that of the neck (installation member will create the larger diameter). The inner peripheral surface of the fitting hole of the grommet agrees with the superficial configuration of the projection and contacts with the projection entirely (Figs. 1 and 2).

The projection penetrates through the fitting hole (Figs. 1 and 2). The projection comprises an outer peripheral surface whose diameter reduces from large to small in the direction away from the head to the neck at least and which contacts with the inner peripheral surfaces of the fitting hole (Figs. 1 and 2).

The grommet further comprises a regulator (26) disposed at a portion facing the head of the projection and extending radially inward to close the fitting hole (Figs. 1 and 2). The regulator is provided with an air vent hole (82) communicating the fitting hole with the outside (Figs. 8-10).

The grommet is made of rubber (C. 5, L. 14-20).

***Allowable Subject Matter***

3. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

4. Applicant's arguments filed 26 October 2006 have been fully considered but they are not persuasive.

5. In response to Applicant's argument that Chesbrough is not analogous art because it does not include certain features of the Applicant's invention, the limitation on which the Applicant relies (i.e. the ball cannot be removed from the socket by pulling) are not stated in the claims. It is the claims that define the claimed invention and it is the claims, not the specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices, Inc.* 7 USPQ2d 1064.

6. The Applicant argues that Maughan fails to disclose "a diameter of the head of the projection is smaller than a diameter of the socket of the cover body at a portion of the socket opposite that protruding from one of the opposite surfaces of the cover body, whereby the head of the projection may be introduced into the socket from a side of the socket opposite the cover body". This argument fails to persuade. Maughan does disclose the claimed invention since the claim limitation is very broad. The inner

peripheral surface of the socket has a pair of openings provided at two opposite ends of the inner peripheral surface and the projection can be introduced through the opening provided at the end identified with 90 and this end is also opposite the cover body that is located between these pair of openings. Additionally, the claim limitation can also be met when the tubular grommet is provided with another socket embodiment where the ball is first inserted into the socket from the end opposite to 90 and the end of the socket are bent to close this end. Especially since the claim fails to claim that the ball cannot be removed from the socket by pulling as argued.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Collier (US 1,261,770), Ito (US 3,861,812), Biesecker (US 3,164,054), Nelson (US 4,522,378), Dembowsky et al. (US 6,206,604 B1) and Contero et al. (US 2005/0175398 A1) are cited to show state of the art with respect to a grommet having some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

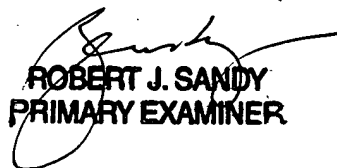
Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

rcr  
January 22, 2007

  
**ROBERT J. SANDY**  
**PRIMARY EXAMINER**